The Murder on Dr. Tiedeman's Farm.

THE COMMONWEALTH

VERSUS

JACOB, alias FREDERICK HODAPP.

SPEECH

OF

FREDERICK DITTMANN,

DELIVERED AT A

COURT OF OYER AND TERMINER FOR MONTGOMERY CO., AT NORRISTOWN, PA.

November 15th, 1866.

PHILADELPHIA: JOHN CAMPBELL.
DAHLEM & ROTH, PRS., 324 CHESTNUT ST.
1867.

Digitized by the Internet Archive
in 2017 with funding from
This project is made possible by a grant from the Institute of Museum and Library Services as administered by the Pennsylvania Department of Education through the Office of Commonwealth Libraries

https://archive.org/details/murderondriedem00dill

The Murder on Dr. Tiedeman's Farm.

THE COMMONWEALTH

VERSUS

JACOB, alias FREDERICK HODAPP.

SPEECH

OF

FREDERICK DITTMANN,

DELIVERED AT A

COURT OF OYER AND TERMINER FOR MONTGOMERY CO., AT NORRISTOWN, PA.

November 15th, 1866.

PHILADELPHIA: JOHN CAMPBELL.
DAHLEM & ROTH, PRS., 324 CHESTNUT ST.
1867.

SPEECH OF FREDERICK DITTMANN.

May it please the Court, Gentlemen of the Jury:

When private Counsel consents to appear on the side of the Commonwealth in a case of such magnitude as the one which is now being submitted to you for your consideration, he owes it to the honorable Court he is addressing, he owes it to the profession of which he is a member, he owes it to an intelligent community whose criticism he will have to encounter, he owes it to himself to explain his position and to state what actuates him in assuming so fearful a responsibility.

Were it for reasons of malice or lucre that I undertake to give to the learned District Attorney my feeble assistance in the trial of this cause, I would be unworthy of the office which I have the honor to fill, were it for purposes of vain glory that I address you I should have no right to claim your attention.

But, gentlemen, I can declare before you, before this honorable Court, yes, in the face of heaven, that I am not prompted by such motives. I feel that I am about to discharge a duty, a solemn, a sacred duty to the glorious old Commonwealth which has extended to me her kind hospitality, and which is to see to it, that her laws be respected, and that any violation of them be followed by condign punishment.

And gentlemen, it is high time that all good and law-abiding citizens should stand together and assist each other in bringing about the conviction of the guilty and the

strictest enforcement of the law. For it may be truly said that a spirit of lawlessness pervades not only our own State but our common country, and a careful observer cannot help noticing that we are fast driving from a system of severity of past ages into a fearful system of mistaken philanthropy. Evil times have come upon us, when to be guilty of the gravest offence known to the law entitles one to the highest respectability in the land.

The prisoner at the bar stands charged with a crime so serious in itself, so horrid in its consequences, if you find him guilty, that you should enter upon his trial with proper caution. The duties which have devolved upon you as jurymen in a case like this are so manifold, the crime itself you will find so black, the evidence from its very nature, it being circumstantial, so complicated, that it will necessarily absorb your whole and undivided attention.

While in all other causes which come before our Courts, the duties of the Court and the jury respectively are distinctly divided. The Court determining all questions of law and the jury the questions of fact. In a case of murder you are to a great extent judge of the law. So our Legislature has determined, whether wisely, we are not here to argue and decide.

I propose, gentlemen, first to state to you the law so far as will be necessary for you to know in order to frame a just verdict, and next to state to you the facts which we shall prove. This I deem absolutely necessary. Provided with a thorough understanding of the law you will not fail well to observe every point of testimony, many of which you might otherwise overlook, not seeing their importance, and as we go along with the examination of witnesses you will reason upon every piece of testimony and see its applicability to the present case.

The destruction of the life of one human being by the act, procurement, or culpable omission of another, the law calls homicide; and it divides homicide into justifiable, excusable and felonious homicide. It is the last class which concerns us in this case.

We charge the prisoner at the bar with being guilty of murder of the first degree; and, if we succeed in proving what we expect to prove, we shall ask such a verdict at your hands.

Murder of the first degree has been defined by an Act of Assembly, approved April 22, 1794, which reads as follows:

"All murder which shall be perpetrated by means of poison, by lying in wait, or by any other kind of wilful, deliberate and premeditated killing, or which shall be committed in the perpetration or attempt to perpetrate any arson, burglary, robbery, or rape, shall be deemed murder of the first degree."

Now, gentlemen, in the present case we shall prove even more than by a strict rule of law we are required to. We shall show that the deceased whom I shall presently name and describe, was killed by the prisoner at the bar, wilfully, deliberately, and with premeditation, that he was killed in the perpetration of robbery. This is more, I say, than is even necessary for us to show; for it was well said by Sir Fletcher Norton, then Attorney General of England, at the trial of William, Lord Byron, charged with the murder of Mr. Chaworth, (10 Hargrave, 519); and it was so decided by Chief Justice Shaw of Massachusetts, in Commonwealth *vs.* Peter York, (9 Metcalf, 93) that where the killing is proved to have been committed by the defendant, the law presumes it to be malicious and an act of murder. If therefore you find from the evidence that the prisoner at the bar killed the deceased, it will be for him to show extenuating circumstances, and if he fails in that,

it will be your duty te render a verdict of guilty of murder of the first degree, as the honorable Court will instruct you.

Murder by whatsoever person, and under whatsoever circumstances committed, is so horrible a crime that we cannot think of it without a shudder. When we see the body of the victim weltering in its blood, our own blood runs cold through all our veins. Has the murderer escaped, with what eagerness do we pursue him? with what zeal do we apprehend him? with what satisfaction do we bring him to justice? And when the dread sentence of the law is pronounced, we all feel as if relieved from a great danger.

If this then is the case of a common murderer, what will be thought of one who murdered his best friend, who was his room-mate, his bed fellow, and who hurls him into eternity to whom he was a confidential adviser, and who unsuspectingly acquaints him with all his affairs. O! it is a bitter thing to be circumvented by any one, more bitter still to be so by a friend, it is a calamitous thing to be slain by a stranger in the heat of passion, in the course of a quarrel, it is a deplorable thing to fall a victim to popular excitement, but it is a thing so wicked and so horrible that it mocks all description to be led by the friend of one's bosom into an ambush and there murdered for motive of speculation!

And, gentlemen, such a case we shall present to you now. We shall prove to you by a chain of circumstances which will leave no room for doubt that the prisoner at the bar feloniously killed his confiding friend after he had coaxed him to a place convenient for the perpetration of the bloody crime. As is customary and proper, I shall now give you a full history of the case:

On the Bethlehem Pike, not a great distance from Montgomery Square, there is situated a farm formerly the pro-

perty of Dr. Tiedeman of Philadelphia. Adjoining that farm is another, also belonging to the same gentleman. On the 27th day of November, 1865, there was found on the former, in the barnyard, near the wall of the barn, the body of a man in a heap of straw, partly covered, which when it was examined, startled the people by the discovery they made on it, that the person had come to his death by an act of violence. Injuries about the head had been inflicted either with a stone, a club, or some blunt instrument, and those injuries had caused his death. The body was found in a position as if the deceased had laid down to sleep and while enjoying a quiet repose the fatal blows had been struck. I shall not detain you now with a minute description of the injuries, but shall leave that to the Physician to explain who examined the body. We shall show that these injuries had been inflicted by human hands, and from their nature as well as from the position the body was found in, it will be apparent that the deceased had not committed suicide, but that the foul work of destruction had been done by other hands. This will be the first part of the Commonwealth's case, to wit: that the deceased then and there found was murdered, not by himself but by somebody else.

After we have established that fact, the next point to be established, the next question to be answered will be, who was the person so found?

A careful examination of the body was made, it was looked at, it was measured, his wearing apparel was carefully examined and the following was the result:

The deceased was a person of apparently not more than nineteen years old, his face was beardless, his complexion light, his stature about five feet four inches. He was broad-shouldered. The boots which he wore were of a

peculiar make, unlike those made and sold in this country; the front of them was pointed, the soles across the ball of the foot were full of stitches, and the heels were mounted with irons in the shape of horseshoes. His pantaloons were of a grey-drilling, his vest of a peculiar cut, and the buttons on it of an unusual kind; the front of the pantaloons and vest about the waist was full of glue, paste and paint. His shirt was of coarse German linen, the bosom of which had broad folds, and on a particular place of the shirt, there was embroidered with red thread, the letters "J. W."

Of all the people in the neighborhood, no one knew the body of the unfortunate young man. In the land of strangers to him he had died, in the dark hour of the night he had perished while no father, mother, sister, brother, friend nor acquaintance was near him to say the last prayer with him and to shut his eyelids. No one was near to witness his death, save he who had taken him to this strange place to murder him, and he whose eye watches over all the affairs of this world; whose laws you have to act on, part of his power of omnipotence you wield at this trial.

The report of the horrible murder spread from town to town, it was repeated in the papers, and before many days had elapsed it was familiar to thousands. It soon reached certain parties in Philadelphia, who knew the man as they found him described, who knew the boots, the pantaloons, the vest with the peculiar buttons, who knew where the paste, glue, and paint came from; who knew the shirt with the broad folded bosom, of the coarse German linen, and who had seen the initials J. W. on that shirt. Who knew that Julius Wochele had disappeared, who from the description in the papers knew the person found murdered near Montgomery Square was Julius Wochele, who knew

the clothes that person wore, were the clothes of Julius Wochele, the same Julius Wochele whose name is mentioned in the Bill of Indictment.

Now, gentlemen, who was Julius Wochele? and what means had these parties in Philadelphia to know from the descriptions that the murdered man was Julius Wochle? We shall answer that question:

On the twenty-second day of September, 1865, there arrived in the city of Philadelphia, a young German emigrant, who took board and lodging at the house of one of his countrymen, Mr. Best, in Letitia street. The young man came from Wurtemberg, and his personal appearance was that of one of the people of that country. He was light complexioned, rather stout, about five feet four inches high and his face was beardless. He had left his home, allured by the hospitality of the American people, induced by the hopes held out by the Western World to the young, intelligent, industrious, and energetic men of all lands. Soon after his arrival he went to see a lady resident in Philadelphia, who was a sister of his step-mother, who took him to her brother, Mr. Rau, a Bookbinder, at the corner of Gold and Dock streets, with whom the young man at once found employment. While at work with Mr. Rau, a circumstance was noticed by his employer and other parties about the establishment, which you or I perhaps would have overlooked, but which old Bookbinders could not help observing. The young man performed his work without putting on an apron. The economical and all considering uncle looked and looked how the careless young nephew got his pantaloons and vest soiled with paste and glue; and we can well imagine what an unpardonable sin that was in his estimation.

Occasionally the young man had to go errands, and be-

ing unacquainted in the city, Mr. Rau's son, a lad of about thirteen years, accompanied him to show him the road. When walking with him along the pavements of Philadelphia, the lad noticed that the young man made such an unusual noise as he walked along, and that made him look at his boots. The attention of other parties about Mr. Rau's shop was likewise attracted to his boots, and when he once had them taken off and they were standing at the shop, all hands took a good look at them, and considered them somewhat a curiosity. They found those boots pointed in front and not broad like boots made in this country, and that the heels were mounted with irons in the shape of horse-shoes, also that the sole was full of stitches all across the ball of the foot.

The vest and the shirt which the young man wore, next came in for their share of the attention of the men; the peculiar buttons on the vest, the broad folds in the bosom of the shirt, the coarse German linen formed the subject not only of observation, but also of merriment.

I have already stated that the young man boarded with Mr. Best. Now let me add that he boarded there until the 25th day of November, 1865. At Mr. Rau's he worked about two weeks, then he left, but he did not change his boarding house. We will now follow him thither When he arrived from on board the vessel which had conveyed him across the Atlantic. Mrs. Best found his clothes not in the best order, and as a good natured hostess would do, she took that matter in hand. She counted the shirts, she looked at them—woman-like—she examined the coarse German linen the shirts were made of; she saw the letters embroidered on them, those letters were J. W. That reminded her of her native country, of the customs of her people, and the embroidering work of the letters was sub-

jected to a scrutinizing examination, whether it was done well and according to the rules adopted by industrious housewives of Germany. Thus she impressed the style of these letters so strongly upon her memory, that it became impossible for her to forget them. She also saw the pantaloons made of grey drilling, the stockings, the boots, the vest, and also how the young German had his clothes soiled by not using an apron while employed at his work. She observed also that after he had quit work at Rau's, and took employment with Mr. Ketterlinus, at the corner of Fourth and Arch Streets, he had paint on his clothes. These matters were likewise taken notice of by her husband, and different other people. This young man was Julius Wochele, the same man who was found murdered near Montgomery Square. The witnesses will state to you that they saw the body after his death, that they saw the clothes, the clothes which will be exhibited to you at this trial, and they will all say that the murdered man wore the suit of clothes which Julius Wochele wore when he was last seen in Philadelphia, that the murdered man was the self-same Julius Wochele.

After the Commonwealth shall have satisfied you that the man found on Tiedeman's farm had been murdered, that the man found was nobody else than Julius Wochele, we shall proceed one step further and satisfy you that he was murdered by Jacob Hodapp, the prisoner at the bar.

At the house of Mr. Best, Julius Wochele had for the last month of his staying there, a fellow boarder, a roommate in the person of Jacob Hodapp. In the evenings these two men sat together in the room with others and had a conversation, or the two were out taking a walk. Hodapp often mentioned that he had been employed at Tiedeman's farm. Hodapp and Wochele both worked for

Mr. Ketterlinus, they came together to take their meals. The last time they came to the house of Mr. Best was on the 25th of November, 1865, when they took their dinner as usual, but they did not return to supper; they never did return. On the same day they were both paid their wages at Ketterlinus', and after that day Julius Wochele was not seen alive by any one. Hodapp was seen once after that in Philadelphia.

Wochele had never traveled beyond the limits of Philadelphia during his residence in this country, and the circumstance that he was found in a locality with which Joseph Hodapp was perfectly familiar, was of itself very suspicious. Of the two farms owned by Dr. Tiedeman, the one was not inhabited, and it was on that farm that the body of young Wochele was found, and as the witnesses will tell you, Hodapp knew from the time when he left Tiedeman's farm, that that very one on which the body was found, was and would be unoccupied. This will be another link in the chain of circumstances which the Commonwealth shall prove and which point to the prisoner at the bar as the murderer of Julius Wochele.

In May last, the Consul of Wurtemberg at Philadelphia, received a letter from the authorities of that country, stating that Julius Wochele, whose murder he had reported, had written a letter asking for money, and that in compliance with his request, a draft for one hundred guilders, or forty dollars in gold, was enclosed. That the same had been allowed to be drawn from the estate left Wochele by his deceased parents, and that the Consul might send it to the Reading Post-office, there to be called for. The Consul sent a letter enclosing a receipt in blank for the forty dollars to be signed by Julius Wochele as directed, and to his astonishment received a letter from the Allentown Bank

with the receipt signed "Julius Wochele" and acknowledged before a Notary Public of Allentown. This led to the arrest of the prisoner, and made the Consul write to Germany for the letter purported to be written by Julius Wochele. That letter was sent him and will be produced at this trial. It is dated February 6, 1866. Another letter directed to the same party as the one referred to, was found in the prisoner's possession when he was arrested and was ready to be mailed; and that also contained a request to send him bedding. That last letter was seen by one of the witnesses when it was sealed and directed, and the prisoner took it out of the hand of the witness as soon as the witness discovered that it was directed to Mrs. Wochele in Wurtemberg. These letters and the signatures of the receipt we shall prove were written by the same hand, were written by the prisoner.

First, Mrs. Tiedeman will show you receipts signed by him when he was in her employment; next, Mr. Ginkinger, a Notary of Allentown, will testify to the receipts signed and acknowledged by the prisoner before him; and besides we shall produce witnesses who have seen the prisoner write.

There is a saying "murder will out." A singlar incident you will observe when you come to look at the receipt held by Mrs. Tiedeman. You will find on one a few words added in German by the prisoner, the receipts being all in English, and you will find by them that the letters written are precisely in the same hand writing. How little may he have thought of it when he wrote those words, the words "*Mit dank erhalten,*" that they would lead to the detection of his awful crime then not yet committed!

When he was arrested, he told his wife to burn certain papers. but one of the witnesses will tell you that he was

so lucky as to put himself in possession of them. Among them is the Certificate of Baptism of Julius Wochele, issued by the minister of the parrish whence he came. That certificate shows that Julius Wochele was born in 1847, and an attempt has been made to alter forty seven to thirty seven. The prisoner is considerably older than the deceased. Among those papers are also memoranda in pencil and in the hand writing of the prisoner, of the name and address of the guardian of Julius Wochele.

From all the facts as I have just stated them to you, you will see that the prisoner and Julius Wochele left Philadelphia together, that Julius Wochele was found where no one but the prisoner could or would have taken him, that he was murdered and his body concealed at the farm not occupied at the time, a circumstance known to the prisoner. That Julius Wochele lived at peace with all the world, and that his murder could not have been prompted by any personal animosity, that he must have been slain by one who calculated to profit by his death. The rule which applies in all other cases will apply to this, that no sane man commits such an act without a motive, and that no one could have a motive for the diabolical act than the prisoner at the bar.

You will easily perceive from the circumstances I have narrated, that the prisoner first learned all the affairs of the deceased from himself, that the deceased acquainted him with them, allured by his profession of friendship, and that the same prisoner killed Julius Wochele for the purpose of assuming his name, and for drawing his share of the family estate.

The Commonwealth now asks the prisoner, as the Lord asked Cain, "Where is thy brother Abel?" Where is thy friend Julius Wochele? Where, where, where is he? What

has become of him? And if he answers—"I know not, am I my brother's keeper?" The Commonwealth replies in words of thunder "What hast thou done?—the voice of thy friend's blood cries unto heaven from the ground!" One word more and I have done. At the trial of capital cases, the defence to a great extent relies upon the humane feelings of our juries. Not only that all legal lore and lawyers skill is used to secure an acquittal, but by eloquence the heart of the jury is appealed to and but too often with success. Then verdicts are rendered dictated by the heart, in the framing of which reason took no part. Let me caution you, gentlemen, against undeserved sympathies. If the facts satisfy you of the guilt of the prisoner, he deserves no mercy. Had he any for his unfortunate victim? All our grief and sorrow should centre upon the deceased. Was he not by woman born? Did not a kind father dandle him on his knees? Did not a doting mother sing over his cradle, the sweet airs of his native country while he was beginning life's journey—

"Wrapt in the arms of slumber sweet?"

This is not said, gentlemen, to prejudice you against the prisoner. The Commonwealth in her majesty, cannot stoop to secure a verdict by unfair means, all we ask of you is that you do your duty. All we demand is justice! justice! justice!

When Napoleon addressed his army in Egypt, he said, pointing to the ancient Pyramids, "Soldiers, show yourselves as Frenchmen, forty ages look down upon you." On behalf of the Commonwealth we say to you, forty ages look down upon you, forty ages which have elapsed since the law was written in the Mosaic code—

"Thou shalt not kill."

Yes, not only forty ages, but three millions of people look at you, three millions of people who live in the peace of this Commonwealth. Show yourselves as intelligent citizens, do your duty. We demand nothing but justice! justice! justice!

P. S. On Nov. 19, 1866, Jacob Hodapp was convicted of murder in the first degree, and on February 6, 1867, he was executed in the Prison Yard at Norristown.